

**Santee Sioux Nation/EPA Region 8 Consultation Meeting**  
**Proposed Dewey-Burdock Uranium In-Situ Recovery Site**  
**Wednesday November 20, 2019**  
**2:00-4:30 pm**  
**108 Spirit Lake Ave West, Niobrara, NE 68760**

**Chairman Roger Trudell**

The Sioux Tribes have historic ties to the Black Hills and continue to make present day journeys for ceremonial purposes. There are many cultural sites, e.g. Bear Butte, Sundance areas, area where ceremonial plants are gathered.

The Santee Sioux were signers of the 1868 treaty

- The Santee Sioux have these concerns:
- How can injected water be contained.
- How can all the ISR contaminants be controlled.
- What are the impacts to wildlife and livestock.

Opposed to removal of uranium. Once it is out of the ground, becomes more dangerous.

The Creator put many things in the ground for a purpose. Once removed from the ground, not linked to purpose, not compatible to humans. Stealing from the ground.

Mining is a Violation of treaty rights.

Burials took place in the Black Hills and surrounding areas. Potential to lose what was buried with those people and disturbance of burial grounds. This is not appropriate. Anywhere where prayers are made is sacred ground and should be treated as such.

If OST, CRST, SRST are against it, Santee Sioux support that. Chairman Trudell and the tribal council are opposed.

What prevents seepage of deep injection wells into underground sources of drinking water. Leaking is always possibly regardless of permit application.

**Stuart Redwing** Tribal Secretary joined the meeting at 3:05 pm. Sits on Nebraska Committee of Indian Affairs. There have been too many negative impacts to Tribal Lands: this project along with the oil pipeline. There was a big oil spill in ND over that pipeline. Third one to occur. First one was by Freedman, second by Sisseton. Third one the amount was underestimated. It was discovered by a farmer in his field when his tractor got bogged down.

Fracking issues while drilling. Methane release into drinking water and wells. Companies claim safe and fast, but these problems arise.

Water table getting deeper. Need to protect what we have.

Medicinal plants: sage, sweet grass. NE Audubon wants to start sweet grass growing. Quite a few folks go out and harvest plants – sweet grass not abundant here. Sage along highway has pesticide.

Four biospheres come together here on the Santee Sioux Reservation: desert, deciduous, coniferous, prairie grass. Cactus, wild turnip, which has a purple flower. The root is dug up root.

Duane Whipple is the tribal historian and museum curator. He is looking to hire a THPO soon.

Have any of the companies that have been drilling oil wells or any industrial activities, including uranium, gold, timber, been truthful forthcoming about what they have found as far as sacred sites and artifacts? There should have been consultation in these situations.

Mr. Redwing was instrumental in getting the MOU for pesticide governance between EPA Region 7, state and Tribe. Pesticide officer. Tribal Pesticide Policy Council – other tribal pesticide officers.

Good examples of gov't to gov't consultation: 2011 floods when State, Counties & Fed gov't worked together.

**From:** Varilek, Kimberly  
**To:** Robinson, Valois  
**Subject:** 11-20-19 - Consultation w/ Santee Sioux Tribe  
**Date:** Friday, May 15, 2020 9:32:21 AM

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Valois – here are my notes from our 11-20-19 Meeting. I will look for other notes as well, just so you have them. These are a rough version. Thanks! – Kim V.

## 11-20-19 - Consultation w/ Santee Sioux Tribe

Wednesday, November 20, 2019  
1:26 PM

### Meeting w/ Chairman Trudell

- Background re: the permitting, permitting injection wells -

### Looking at specific areas for input:

- Updates on the permit
- Treaty Rights
- EJ Analysis
- NHPA 106 issues (NRC Site-survey)- was this survey extensive enough.

### Historic Ties to the Blackhills (for sacred purposes)

- Signatories to the 1868 Treaty
- Ceremonial plants & a number of cultural site (near Bear Butte), sundances up there
- CONCERNS of this site.

Concern with water injection, very concerned about the Oglala aquifer - (effects on concerns of wildlife)

Opposed to the injection of water - opposed to uranium removal in general, due to the destructive nature of the issues.

Once those things are in the ground, they have the same purpose - those things may not be compatible with Humans.

Concerned w/ Uranium - do they need to have those resources?

Violation of the treaty rights (mining and removal of substances,) as well as other treaty violations.

NHPA 106 - several burials, potential to lose what was buried with them, disturbing a place (wouldn't go to a cemetery and start mining) - where prayers were made - that's sacred ground.

2013 - cultural survey - questions:

Valois:

NRC produced a report - opened up the site

Richard Thomas (was able to be on site) - likely not organized in a way

Cultural survey is still an open topic - it's in the NRC process, appeals - Court of Appeals, too early - will likely be in the Court.

Chairman Trudell:

Oglala, Standing Rock, Cheyenne River & Rosebud - If opposed, would support that opposition.

Strongly opposed - position from the council - (water injection issues) - how can we remove all of these things w/o falling in - ..

Questions about injection wells, seepage, etc. - Valois -(Class V wells - requiring continuous monitoring,

Discussion about the wells, or the injection -

Question about length of time of other Class V wells - O&G Wells - Class 5 wells have been around for a while - may not be stringent -

- If there was a shift in the earth (Valois - mag 4 or higher) - THERE ARE - THIS IS THE POSSIBILITY THAT THIS COULD LEAK

Same mining technique in WY, TX, etc. -

Some data from the mining field, that these wells do 'work', and that there are monitoring wells -

Monitor the "deep" wells - (no wells in the aquifer) - No test designed to detect the fluid movement.

ProPublic report - that the integrity of the wells are failing.

Chairman Trudell:

- With age, everything deteriorates - this is a concern for the Tribes.

It's in this place, it's safe -

Darcy:

- We operate under the SDWA - look at the analysis, can the project move forward, and can it be mined in a way that's safe and protective - what are the safeguards that can be written into the permit to protect the USDWs..

How do we also write in conditions to make sure that the wells or any leaks don't travel far.

EPA - permitting: public opposition is only one element

Technical analysis - that this isn't a 'safe' way to do this -

Current public comment period: 12/9 -

- We have the ability to receive comments at any time.

Question about the landowners - Edgemont citizens are 'for' it - ranchers are concerned b/c of water access -

People from Edgemont (USACE) -

- Always a concern about the development.

Tribal leader opposition b/c this is not a safe process.

Darcy:

Discussion about the permitting process - other demonstrations that the company must make.

Still need to secure a mining permit, theoretical for this to happen.

Even people with a technical background may not support this matter.

Secretary (joined us) -

Dewey Burdock: NE Commission of Indian Affairs (DB & Pipeline issues are primary issues and concerns)

(Discussion of the oil spills) - for the local communities.

- Along w/ concerns about the in situ mining - then there's fracking concerns - pumps the gas/water - (pavillion concerns) - how will this impact this area (references to seismic) -
- Companies, claim this is safer, etc. - the disruption of the methane pockets.

Majority of the council - especially in terms of protecting the groundwater - Water table - getting more and more shallow, therefore needs additional consideration and protection.

- Impact to ALL the Tribes - for ritual travel, etc. -

Concerns w/ medicinal plants that may be affected (Sage, - NE Audubon society - working w/ the Tribes, they're interested in helping reintroduce and support growth)

- Sprayed chemicals) - 94-2004 - Pesticides ISSUES..

NRC: Cultural Survey:

(Valois will send the Survey -

THPO guys: Museum curator/Duane T. (?)

Meeting w/ THPO officer -

2015 - Region 7 contest - ED - Aleshia Bartling - (and Ponca) - Brought up some concerns about the Ogallala aquifer -

PPT - ( is Santee Sioux within the Missouri River aquifer) - Oglala aquifer -

(Crow Butte .. NE regulates that area - but SD doesn't .. This is where EPA Permitting comes in.

Discussion about hydrologic connection to the Oglala aquifer (?) - discussion re: aquifer location -

Water Well primary source -

Valois - discussion re: the EJ analysis -

Company should be paying for the cultural survey - and with the Tribe as well.

Companies - working on these issues - HAVE THEY REACHED OUT TO THE TRIBES -

(How truthful would a company be with identifying cultural sites, as well as understanding the treaty rights -

- Economic power of the company v. the Tribe - not an even playing field. (Gold and Timber) -

Resources previously removed from the Black Hills w/o tribal consideration, sharing or consultation.

R7 - no pesticides program: - MOU - State - Feds - Tribe : pesticides issues -

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**Proposed Draft Agenda**  
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- I. Introductions
- II. Additions/changes to the agenda from the Santee Sioux Nation
- III. Previous meetings with the Santee Sioux Environmental Director:
  1. October 2015 at EPA Region 7 office and web conference after the 2017 draft permits were issued.
  2. The Environmental Director expressed concerns about the following issues:
    - Impacts to the Ogallala Aquifer and anticipated extent of impacts from the site.
    - Impacts to tribal cultural sites, ceremonial plants, and animals, including livestock, at the site.
    - Impacts to groundwater and surface water.
- IV. The EPA's proposed actions at the Dewey-Burdock uranium in-situ recovery site
  1. The Underground Injection Control (UIC) regulatory mission and UIC permitting process.
  2. A Class III Draft Area Permit for injection of lixiviant for uranium recovery.
  3. A Class V Draft Area Permit for disposal of treated ISR waste fluids into deep injection wells.
  4. Proposed exemption of uranium-ore-bearing Inyan Kara Group aquifers to allow injection of lixiviant.
- V. Tribal Consultation
  - a. Treaty Rights
  - b. Section 106 National Historic Preservation Act
- VI. Draft Environmental Justice Analysis
- VII. The Santee Sioux Nation perspective on 2013 Tribal Cultural Survey?
- VIII. Tribal Concerns
- IX. Next Steps